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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/577,437	09/04/90	CALLON R	02042-100001

JUNG, M. EXAMINER

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ART UNIT	PAPER NUMBER
2603	4

DATE MAILED: 11/22/91

For communication from the examiner in charge of your application  
see the COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948.       |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-21 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☒ Claims 1-21 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings  
are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the  
examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in  
accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

**EXAMINER'S ACTION**

1. Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the usage of the word "calculating" is not clear in that it is questionable whether or not actual mathematical calculation is performed. Is "determining" more proper word?

In lines 2-3, it is not clear what the relationship between the information handling device and the communications network is, i.e., "interconnected" is not enough description to figure it out.

In lines 9-10, it is not clear what "the same routing protocol" is referring to.

In claim 5, lines 2-3, it is not clear what the relationship between the information handling devices and the communications network is.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102

of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-21 are rejected under 35 U.S.C. § 103 as being unpatentable over Hart et al.

Hart et al. teach method of interconnecting local area networks transparently of protocols. Routing is determined without converting the destination information by utilizing a backbone network comprising simplex channels.

Hart et al. lack a specific teaching of choosing a routing protocol from an arbitrary protocol suite. Hart et al. do not need to choose one protocol or the other because the system is operated above the data link layer. However, it would have been obvious for one of ordinary skill in the art at the time the invention was made to choose a certain protocol and carry out the routing in the same protocol in the system of Hart et al.

Regarding the encapsulation and decapsulation of a packet, the same is shown in figs. 17, 18 and 19.

4. The drawings are objected to because drawings must have labels which are functionally descriptive. Correction is required.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conway et al. patent, McKay et al. patent, Natsume patent,

Serial No. 577,437

-4-

Art Unit 263

and Tsukakoshi et al. patent are cited for further reference.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is (703) 308-0548.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0962.



DOUGLAS W. OLMS  
SUPERVISORY PATENT EXAMINER  
ART UNIT 263

*MJ* M. JUNG:lm  
November 15, 1991